IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11443 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

VISHNUBHAI VIRAMBHAI PATEL

Versus

DIST MAGISTRATE

Appearance:

MR NM KAPADIA for Petitioner

MR SAMIR DAVE AGP for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 15/02/2001

ORAL JUDGEMENT

#. Heard learned counsel for the parties.

#. The petitioner was detained as a bootlegger under the order of the District Magistrate, Mehsana dated

13.10.2000 and he is presently at Central Jail, Sabarmati.

#. Challenging the order aforesaid learned counsel for the petitioner raised manifold contentions but as this petition deserves acceptance only on one ground it is not necessary to refer all those contentions, discuss and decide.

#. It is not in dispute that none of the respondents has filed reply to the Special Civil Application.

#. Learned counsel for the petitioner contended that there is gross delay in passing the detention order.

#. The statement of the privileged witnesses were recorded on 9.2.2000 and 10.2.200 by the Mehsana City Police Station and thereafter, the proposal was moved through Dy.S.P., who verified the statements of witnesses on 11.2.2000. The proposal was prepared in the month of February, 2000 but the detention order was made on 30.10.2000. so, there is unexplained gross delay in passing of the detention order and only on this ground this petition deserves acceptance.

#. It has to be stated here that none of the respondent has cared to file reply to the Special Civil Application. So there is no explanation furnished for this inordinate delay.

In the result, this petition succeeds and the same is allowed. The order of detention of the petitioner dated 13.10.2000 is quashed and set aside. The petitioner Vishnubhai Virambhai Patel, the detenu, at present in Central Jail, Sabarmati, be set at liberty forthwith, if he is not required in any other case. Rule is made absolute. As the respondents fairly conceded the position, no order as to costs.

(S.K.Keshote, J.)

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